

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-4934

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

CHARLES ANDRE MATTISON,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Greenville. Margaret B. Seymour, District Judge. (CR-95-368)

Submitted: October 1, 2004

Decided: October 20, 2004

Before KING, GREGORY, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

J. Bradley Bennett, SALVINI & BENNETT, LLC, Greenville, South Carolina, for Appellant. Regan Alexandra Pendleton, Assistant United States Attorney, Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Charles Andre Mattison appeals from the order of the district court revoking his supervised release and sentencing him to thirty months of imprisonment. Finding no error, we affirm.

In his appeal, filed pursuant to Anders v. California, 386 U.S. 738 (1967), Mattison claims that the district court erred in revoking his supervised release. We review this claim for an abuse of discretion. See United States v. Davis, 53 F.3d 638, 642-43 (4th Cir. 1995). Although Mattison alleges there was insufficient evidence to support the district court's finding of a Grade A violation of his supervised release, he concedes on appeal that he was convicted of the new criminal activity. On the basis of this concession, we cannot conclude that the district court abused its discretion in revoking Mattison's supervised release or in imposing a thirty-month sentence.

Finding no meritorious issues upon our review of the record, we affirm the judgment of the district court. This court requires that counsel inform his client, in writing, of his right to petition the Supreme Court of the United States for further review. If the client requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on the client. We dispense with oral argument because

the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED